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**DECISION**



*J. Carter  
Prov. I*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-191917

DATE: July 19, 1978

MATTER OF: Industrial Controls Division,  
Bendix Corporation

**DIGEST:**

Protest filed with GAO on May 11 is dismissed as untimely where not filed within 10 working days of receipt by protester on April 24 of formal notice of denial of initial protest to contracting agency.

The Industrial Controls Division of the Bendix Corporation (Bendix) has filed a protest with our Office against the specifications incorporated in letter request for technical proposals No. FD-2060-78-34113 issued by Warner Robins Air Force Base.

The documents submitted in support of the Bendix protest show that the request for proposals expressed a requirement for a standard machining center with numerically controlled machine tools. The request did not include Bendix among the acceptable suppliers of computer numerical controls.

Bendix initially protested to the contracting agency concerning its exclusion from the list of acceptable suppliers. The contracting agency denied the Bendix protest by letter dated April 18, 1978, received by Bendix on April 24. The Bendix protest was filed with our Office on May 11.

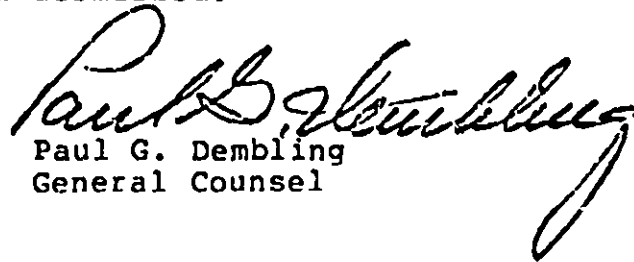
Section 20.2(a) of our Bid Protest Procedures, 4 C.F.R. § 20.2(a) (1977), provides in part that a protester who has filed an initial protest with the contracting agency must file any subsequent protest to our Office within 10 [working] days of formal notification or actual knowledge of initial adverse action by the agency on the protest. Since the

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Bendix protest was not filed with our Office within 10 working days of receipt by Bendix of the agency's formal denial of the protest, it is untimely and not for consideration on the merits.

The protest is dismissed.

  
Paul G. Dembling  
General Counsel